

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference TS05-114203	FOR FURTHER ACTION	See item 4 below
International application No. PCT/JP2006/307501	International filing date (<i>day/month/year</i>) 07 April 2006 (07.04.2006)	Priority date (<i>day/month/year</i>) 12 April 2005 (12.04.2005)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant TOSO COMPANY, LIMITED		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Date of issuance of this report 16 October 2007 (16.10.2007)
Facsimile No. +41 22 338 82 70	Authorized officer <div style="text-align: center; font-weight: bold;">Yoshiko Kuwahara</div> e-mail: pt07.pct@wipo.int

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

Applicant's or agent's file reference
TS05-114203

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/JP2006/307501

International filing date (day/month/year)
07.04.2006

Priority date (day/month/year)
12.04.2005

International Patent Classification (IPC) or both national classification and IPC

Applicant
TOSO COMPANY, LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Date of completion of this opinion	Authorized officer
Facsimile No.		Telephone No.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/JP2006/307501

Box No. I

Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of:



the international application in the language in which it was filed



the translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rule 12.3(a) and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

- a. type of material



a sequence listing



table(s) related to the sequence listing

- b. format of material



on paper



in electronic form

- c. time of filing/furnishing



contained in the international application as filed



filed together with the international application in electronic form



furnished subsequently to this Authority for the purposes of search

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/JP2006/307501

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-10</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	<u>6, 7</u>	YES
	Claims	<u>1-5, 8-10</u>	NO
Industrial applicability (IA)	Claims	<u>1-10</u>	YES
	Claims	_____	NO
2. Citations and explanations:			
<p>Document 1: Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 79159/1979 (Laid-open No. 178563/1980) (Sasaki Blind Kogyo Kabushiki Kaisha), 22 December, 1980 (22.12.80), page 2, line 11 to page 4, line 10, Fig. 4 (Family: none)</p> <p>Document 2: Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 116369/1983 (Laid-open No. 25489/1985) (Yokota Co., Ltd.), 21 February, 1985 (21.02.85), page 1, line 16 to page 1, line 19, page 2, line 19 to page 3, line 2, page 4, line 13 to page 4, line 19, page 6, line 5 to page 6, line 18, Figs. 1-4 (Family: none)</p> <p>Document 3: Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 34133/1986 (Laid-open No. 145581/1987) (Toyota Auto Body Co., Ltd.), 14 September, 1987 (14.09.87), page 1, line 5 to page 1, line 10, page 3, line 16 to page 4, line 2, page 6, line 4 to page 7, line 4, page 7, line 16 to page 9, line 3, drawings (Family: none)</p> <p>The subject matters of claims 1, 2, 8, 9, and 10 do not appear to involve an inventive step in view of documents 1 and 2 cited in the ISR. (With regard to claim 1)</p> <p>Document 1 describes that in a curtain stop (an accordion door contracting/folding holder), a movable side locking member (adsorption tongue piece 2) is provided so as to be passed through the side of a fixed side locking member (magnet 3) in the longitudinal direction of a curtain rail.</p> <p>Document 2 describes (1) the constitution in which a fixed side locking member (positioning member 20) comprises a fixed side main body (metal plate 25) and a fixed arm (upper engaging member 21) which extends from the fixed side main body and is fixed to a curtain rail so that a fixed position is freely adjusted, and (2) the constitution in which a movable side locking member ("mounted part 16") comprises a movable side main body (magnet mounting part 18) and a mounted arm (arm part 17).</p> <p>A person skilled in the art could have easily applied the constitution of a fixed side locking member and a movable side locking member, described in document 2, to the invention described in document 1. (With regard to claim 2)</p> <p>Document 1 describes that a magnetic force acting between fixed side and movable side ferromagnetic substances is an attracting force. (With regard to claim 8)</p> <p>The shape of a fixed side main body and of a movable side main body are a mere matter of design variation that a person skilled in the art should decide as required. (With regard to claim 9)</p> <p>Providing a pawl in order to hold a member is a well-known technique.</p>			

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/JP2006/307501

Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

(With regard to claim 10)

Document 2 describes that a fixed arm (upper engaging member 21) comprises an engaging part (hook part 21a) which elastically engages with a lug (projecting part 11a) of a curtain rail.

The subject matters of claims 3-5 do not appear to involve an inventive step in view of documents 1, 2, and 3 cited in the ISR.

(With regard to claim 3)

Document 3 describes that both of a fixed side ferromagnetic substance and a movable side ferromagnetic substance are a permanent magnet. Whether an attracting force or a repulsive force is employed as a magnetic force acting on both magnetic substances, could have been selected as required by a person skilled in the art.

(With regard to claim 4)

Document 3 describes that opposite magnetic pole surfaces of fixed side and movable side ferromagnetic substances are arranged so as to be separated parallel and adjacent to each other.

(With regard to claim 5)

Document 3 describes that magnetic pole surfaces of fixed side and movable side ferromagnetic substances are horizontal.

The subject matters of claims 6 and 7 appear to be novel and to involve an inventive step in view of the documents cited in the ISR.

(1) The constitution in which a rod-like mounted arm is elastically fixed in a mounting hole in a head runner, and (2) the constitution in which a mounted arm is hollowed out and can be elastically horizontally contracted, are neither described in any of the documents nor obvious to a person skilled in the art.